

**DECENT & AFFORDABLE HOMES PDG  
24 MAY 2016**

**TENANCY CHANGES POLICY**

**Cabinet Member** Cllr Ray Stanley  
**Responsible Officer** Claire Fry, Housing Services Manager

**Reason for Report:** To review the Tenancy Changes Policy (previously known as Succession & Assignment Policy).

**RECOMMENDATION(S):** Cabinet approves the revised Tenancy Changes Policy.

**Relationship to Corporate Plan:** The Council must run the Housing Service efficiently and effectively in accordance with legislative requirements and the provisions of the regulatory framework.

**Financial Implications:** The provision of an up-dated policy which includes a section on dealing with tenancy changes should reduce the amount of time staff spend on managing such issues.

**Legal Implications:** The Housing Act 1985 and Localism Act 2011 set out the statutory provisions for succession and assignment rights of tenants.

**Risk Assessment:** Failure to provide housing management staff with the appropriate policies could result in a less consistent and effective service.

**Introduction**

- 1.1 As a registered provider (RP) of social housing, the Council is regulated by the Homes and Communities Agency. The regulatory framework consists of a number of standards and the Council is expected to comply with the provisions of those relating to consumer regulation.
- 1.2 The Localism Act 2011 introduced reduced succession and assignment rights for all new tenancies. The Act also gave local authorities the power to grant additional succession rights. However, it was agreed that this Council would not grant any discretionary rights as approved by the Decent and Affordable Homes Policy Development Group on 20 March 2012.
- 1.3 The review of the Succession and Assignment Policy was last approved at the meeting of the Decent and Affordable Homes Policy Development Group on 20 March 2012. The policy is due to be reviewed by June 2016.
- 1.4 Tenants Together approved the draft Tenancy Changes Policy at their meeting on 11 February 2016.
- 1.5 Members are asked to consider the proposed changes and to recommend that the Cabinet agrees changes to the revised policy.

## **2.0 Proposed policy changes**

- 2.1 The policy has been updated and sets out how the Council will deal effectively with tenancy changes, such as, successions; assignments in accordance with a Court Order; mutual exchange or assignment to a person qualified to succeed to a tenancy; or a joint to sole tenancy request. The title of the policy has been renamed from Succession & Assignment Policy to Tenancy Changes Policy to better reflect what is included in it.
- 2.2 The policy contains a new section which states that tenants may seek written consent to change their tenancy to either a sole to joint tenancy, or vice versa. Any requests are at the discretion of the Housing Services.
- 2.3 The policy introduces a section relating to the retraction of notice. This clarifies what will happen when a tenant serves a Notice on the Council to end their tenancy and then changes their mind. In such cases, in accordance with the revised policy, they would not be allowed to retract the notice. However, the tenant and the Council can agree during the notice period that it can be withdrawn. The Housing Service will have discretion to allow a new tenancy to be granted.
- 2.4 The clauses relating to succession have also been amended to provide more clarity; for example, they include a section on the effect of death on a Right to Buy application. Successors can count their own period of occupation before they succeeded to the tenancy for the purposes of calculating the minimum period for the exercise of the Right to Buy and the discount.
- 2.5 The rules concerning the Right to Buy are governed by the Housing Act 1985. Where a tenant dies during the Right to Buy procedure (application), a successor can require that the transaction is completed on the same terms including the discount as would have been available if the tenant had lived. These rights have been included in the amended policy.

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**Circulation of the Report:** Councillor Ray Stanley, Management Team

**List of Background Papers:** A copy of such papers to be made available for public inspection and included on Website